

**REMARKS/ARGUMENTS**

This Amendment is responsive to the Office Action mailed on March, 21, 2007. Entry of this Amendment is requested.

Claims 1, 3, 5, 9-14, 16, 17, and 38-42 are pending in the present application. Claims 1, 3, 5, 9-14, 16, and 17 have been canceled. New claims 43-57 have been added. No new matter has been added. Reconsideration of the rejected claims is respectfully requested.

The undersigned appreciates the courtesy extended by the Examiner during the telephonic interview of June 12, 2007. During the interview, the rejected claims were discussed. The Examiner stated that in light of the remarks set forth by the undersigned, independent claim 38 and claims dependent thereon appeared to be in allowable form subject to an update search. The undersigned greatly appreciates the Examiner's consideration of the arguments presented and the preliminary indication of potentially allowable subject matter. As requested by the Examiner, the undersigned restates the arguments set forth during the interview.

**I. 35 USC 103**

***A. All claim limitations are not taught or suggested by the cited art***

Claims 1, 3, 5, 9-14, 16, 17, and 38-42 are rejected as obvious over Matsumoto et al. (U.S. Patent No. 6,526,285), Scimone et al. (U.S. Patent No. 6,647,410), and Kitain (U.S. Patent No. 5,864,871).

Obviousness has not been established for independent claims 38, 43, 48, and 53, or any claims that are dependent thereon, since all limitations in the claims are not taught or suggested by the prior art. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP 2143.03. Here, a number of limitations in independent claims 38, 43, 48, and 53 are not taught or suggested by Matsumoto et al., Scimone et al., or Kitain et al. For example, each of independent claims 38, 43, 48, and 53 recites "a data list in [a] hand held

computing device, which includes information for all of the plurality of securities being tracked," and providing "to at least a first one of the securities being tracked at least two user defined category tags" and the cited references fail to teach or suggest at least these limitations.

The Examiner cites column 25, lines 35-40 of Matsumoto as teaching or suggesting at least "at least two category tags" (see page 4 of the Office Action). However, the discussion at column 25, lines 35-40 relates to information that is stored in a backend data server 301, and not a "hand held computing device" as recited in at least independent claim 38. Since there is no teaching or suggestion of "a data list in [a] hand held computing device, which includes information for all of the plurality of securities being tracked," and providing "to at least a first one of the securities being tracked at least two user defined category tags," obviousness has not been established.

***B. One would not have been motivated to combine the references in the manner proposed by the Examiner.***

Obviousness also not been established, since one would not have been motivated to combine the references in the manner suggested by the Examiner. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). MPEP 2143.01. As noted above, the Examiner relies on Matsumoto et al.'s description of stock information residing in a back end data server 301. Even assuming, *arguendo*, that Matsumoto taught "category tags", there would be no motivation to allow such category tags to be "user defined", since the stock information residing in Matsumoto et al.'s back end server is used by many different users, and not just a single individual. If one were to modify Matsumoto et al. so that the stock information has "user defined" category tags in a back end data server 301, the stock information would be rendered useless to other users who would not desire such category tags. Therefore, there is no motivation to combine the references in the manner proposed by the Examiner.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Patrick R. Jewik  
Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
PRJ/RMG:km  
61076459 v1